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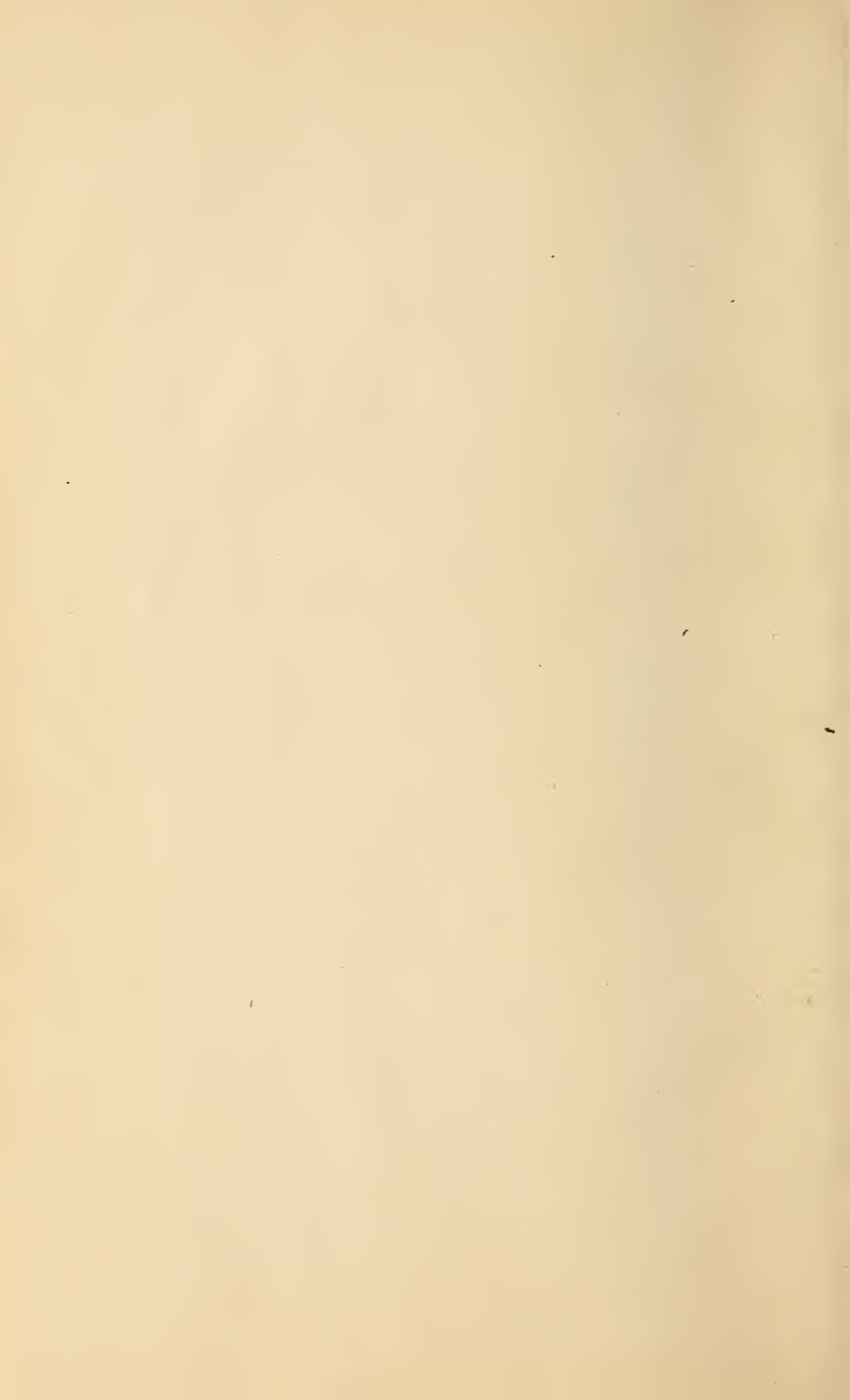
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A

SHORT REPLY

TO THE

SPEECH OF EARL ABERDEEN,

ON THE

STATE OF NEWFOUNDLAND.

BY

A MEMBER OF THE HOUSE OF ASSEMBLY,
OF NEWFOUNDLAND.

Charles Patrick

LIVERPOOL:

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TO THE

RIGHT HONOURABLE THE EARL OF ABERDEEN.

MY LORD,

That your Lordship (on the *ex parte* statement of a few individuals, greatly inflamed in the "paltry raffle" of colonial faction) should have pledged your high name and character to the truth and justice of the charges which you made against the House of Assembly and people of Newfoundland, and reported from your speech in the House of Lords, on the 26th April last, is to me a matter of surprise. During the short period your Lordship presided over the colonies your instructions to the colonial governors displayed an intimate acquaintance with the state of conflicting parties, and were distinguished for a sound, enlightened, and liberal policy. I am, therefore, the more surprised that your Lordship should be led away by the inflammatory and high-coloured statements contained in the petition presented by your Lordship, and which on the face of it carried its own refutation.

Your Lordship has preferred a bill of indictment against the House of Assembly of Newfoundland. As one of the humble members of that body, and on their behalf, I plead not guilty to the charge; admitting, at the same time, that if you can establish a tithe of the charges, the people of Newfoundland are not worthy to enjoy the benefits of the free constitution granted by his late Majesty, and that it ought to be abrogated.

The Secretary of State for the Colonies, in reply to your Lordship, stated that there were parties in this country connected with the House of Assembly who denied the allegations made by the petitioners, and offered to come forward at any time to disprove their statements. The persons alluded to by his Lordship must be the Clerk of the House, Mr. Wakeham, and myself, the only parties now in this country connected with the House of Assembly. The Marquis of Normanby permitted me to wait on him at the Colonial-office, and, agreeably to his Lordship's wishes, I drew up a short report on the charges made by the Chamber of Commerce of St. John's, and the merchants of London, Liverpool, Bristol, and Poole, against the proceedings of the House of Assembly. This report was written in great haste, and I now submit a copy of it to your Lordship, in which you will observe that I have anticipated

the charges made by your Lordship against the House of Assembly and the much-calumniated people of Newfoundland. I might rest the defence of the colony on that plain, simple statement of facts, which cannot be contradicted, but there is some new matter contained in your Lordship's extraordinary speech that I shall pass a few remarks upon.

You have stated that the House of Assembly have usurped the powers of the State; tyranized over the peaceable, loyal inhabitants. You have stated that the whole fabric of society has been flung into confusion; that life and property is insecure; that the country is on the eve of rebellion; that all these misfortunes have been brought on the colony by the acts of what you call the "base House of Assembly;" and you call on her Majesty's Government to send out an adequate military force to protect the loyal and to overawe the disaffected; and, as a climax to these frightful charges, you say the House of Assembly have laid hands on the public purse, and divided a great portion of it between themselves, their families, and retainers.

I give this summary as a small sample that I have selected from your Lordship's speech. The reckless manner in which the petitioners have made these charges,—and, pardon me, my Lord, if I say, the hasty and inconsiderate manner in which your Lordship repeated them, makes it an easy task to dispose of and controvert them. Were your Lordship not carried away by some of the party spirit of the petitioners you would, at once, have detected the gross absurdity of the charges, and have seen that they carried with them their own contradiction.

It would be following the rude, coarse example of the petitioners if I said they were one tissue of falsehood and misrepresentation from beginning to end. I shall not say it, but I hope to prove them to be so. Your Lordship must know that in courts of justice presumptive evidence is often more conclusive, and more to be relied on, than direct evidence. In the present case that doctrine is exemplified. Your Lordship has adduced the evidence of the petitioners against the House of Assembly and people of Newfoundland. You charged them with the highest crimes; with setting her Majesty's courts of justice at defiance; with sedition, bordering on rebellion; with outrages on persons and property. At the instant your Lordship made these statements, her Majesty's Colonial Minister, whose especial duty it is to watch over her Majesty's Colonies, coolly stated that he was unacquainted with this alarming state of the colony, but that he would immediately write to the Governor, to request that he would enlighten him on the subject.

At the same time, the late Governor-General of the North American Colonies (a few months only returned from the seat of his government) acknowledged that he was equally in the dark.

Here, my Lord, I shall place my presumptive evidence, the

ignorance of the Colonial Minister and the Governor-General of the facts stated by the petitioners, against the direct evidence of the petitioners themselves. There is no court of justice in the world, but your Lordship's House, that such evidence would be attended to for one moment.

If the colony of Newfoundland has been so long in this alarming state, unknown to the Minister of the Crown, he has been guilty of great neglect of duty, and should be impeached. What has the Queen's Governor been about all this time? Has he allowed the disaffected to mature their plans of rebellion without interruption? Has he not communicated with her Majesty on the subject? Has he not called for aid to uphold the supremacy of her Majesty's Crown in her oldest colony? Either the Minister and the Governor have been guilty of the greatest dereliction of their duty, and ought to be impeached, or the statements made by your Lordship are gross fabrications. If you believe the statements of the petitioners, it is your duty to follow the manly example of my Lord Roden. He has impeached the Marquis of Normanby for acting justly to Ireland; for throwing open the doors of the dungeon; for the exercise of the highest attribute of royalty.

The former Irish Secretary, the late Colonial Minister, is almost as guilty as the Marquis of Normanby. He also threw open the dungeon gates to the oppressed captive. He, in the name of his Royal Mistress, exercised the divine prerogative of mercy almost without limit, in every clime where England's flag floated in the breeze, indicating her dominion from the frozen regions of the North to the burning sun of the South. No matter which their country, what their colour or their creed, he wrested the lash from the hands of the taskmasters of Jamaica, reeking with the blood of millions of the human race; he punished judicial delinquency in Newfoundland; he then also threw open the dungeon bars to the victims of oppression. He is every way worthy to be united with the modern Strafford. Will not the saintly Crusaders include him amongst their victims? What a pity it is that they cannot make a Barebones Parliament to complete their holy work! Your Lordship must pardon this digression. I now call your attention to another charge which you made against the House of Assembly, of appropriating the public money to their own use and that of their families and retainers. Surely, your Lordship could not be serious when you made this charge. What will your Lordship say when I tell you that the House of Assembly have not appropriated one shilling of the public money that has not met the deliberate sanction of the Council, the Governor, and her Majesty's Government? And, for an eloquent defence of the House of Assembly, I have only to refer you to a despatch from Lord Glenelg to Captain Prescott on this head.

In my report to the Marquis of Normanby I have made some remarks on the main charge against the Assembly, the committal

of Dr. Kiely for a breach of privilege. The proceedings of the House of Assembly, in this case, involves a great constitutional principle. I do affirm that the "base" House of Assembly of Newfoundland is a co-ordinate and supreme branch of the local legislature, and its right to protect its own privileges rests upon the same basis as the House of Commons of England. The Queen, Council, and House of Assembly of Newfoundland are equally sovereign and supreme over the Island of Newfoundland, as the Queen, Lords, and Commons are over the United Kingdom of Great Britain and Ireland. The first principles of government require that they should have power to protect their privileges; the Newfoundland Assembly would be indeed a burlesque and mockery without it.

The petitioners that your Lordship has taken under your protection modestly ask, first, that the Constitution should be abrogated, and a Governor and Council appointed to replace it. They also require that the Governor should be dismissed, the two senior Judges superseded, and a military force sent out to protect the loyal inhabitants. This modest request reminds me of an anecdote, related I believe in Lord John Russell's book on the British Constitution:—A gentleman got displeased with his mansion, and he applied to an architect to improve it, who said, "that the foundation of the house should be removed, and the bed of the river changed." The only remark I shall make to your Lordship on this head is, that if the Government comply with the first part of their request, I would strongly recommend them to comply with the last, establish despotism in the form of Governor and Council in Newfoundland. You must uphold it by military force, and then, my Lord, to use the words of Burke, "your rule will not be government, it will be war against the people."

You will find in my memorial to Lord Normanby that I have made some remarks on the overcharged statements respecting the influence of the Catholic clergy in Newfoundland. To prove how utterly unfounded that charge must be, I have only to mention the state of the Newfoundland constituency. In Newfoundland we have household suffrage. In the districts of St. John's, Feryland, Placentia, and St. Mary's, there are 4,139 houses, 5,799 Protestants, 22,839 Catholics, who return six members to the Assembly. The districts of Conception Bay, Bonavista Bay, Burin, Fortune Bay, Fogo, and Trinity contain 6,686 houses, 30,512 Protestants, 14,060 Catholics, and send nine members to the House of Assembly. It therefore clearly appears that the Protestants send nine members, and the Catholics only six. What then becomes of the charge against the Catholic priests and Catholic supremacy?

I shall pass over the coarse personal attacks made on the Members of the House of Assembly. Posterity will judge of that House from its acts, not from the misrepresentations of its ene-

mies. Before the establishment of a House of Assembly, there was not ten miles of a good road in the whole island; now, there are upwards of two hundred miles about being completed. Before the establishment of the House of Assembly, there was not one school in the island supported at the public expense; now, there must be more than fifty.

Agriculture has improved; cultivation has increased; the annual value of agricultural produce is now worth more than £170 ~~per~~ ^{per} annum. In twenty years it will be five times that amount. Little more than twenty years ago it was a penal offence to cultivate the soil.

Instead of lending your name to inflame the hatred of local and contending parties, I wish your Lordship would join in the good work of improving the physical and moral condition of the people of Newfoundland. You were quite mistaken in the opinion that the soil of Newfoundland is not capable of improvement. Give Newfoundland the same encouragement that you have given your other colonies, and you will find it capable of giving employment and subsistence to millions of inhabitants. Make inquiry into the state of her fisheries, completely monopolized by the commercial rivals of England; acquaint yourself with the fact that there are at this moment more than twenty thousand French seamen, and an equal number of American, employed on her shores, ready, at a moment's warning, to be called on to man their respective navies. The Government of France grants upwards of £300,000 for the encouragement of her Newfoundland fisheries, and on the condition that the fishermen when called on are to man the navy of France.

These are subjects worthy the deep attention of the British senator. Believe me, my Lord, such a course on your part would be more honourable and more useful than bringing unjust and unfounded charges against the House of Assembly, and the people of Newfoundland.

Notwithstanding your Lordship pledged yourself for the statements made by the petitioners, yet you said you were not prepared to go the full length with them; you could not agree to the destruction of the Newfoundland Constitution. I cannot conclude this short address to your Lordship without expressing my sincere thanks even for this avowal. I naturally feel a parental affection towards that Constitution. I have devoted the best part of my life, and expended much of my property, to obtain it. I may say I sat by its cradle; and, indeed, it would be to me a bitter day if I should live to "follow its hearse." I entertain the strongest faith in the miraculous power of free British institutions. With Sir James Mackintosh, I believe them to be the parent of arts—the parent of commerce—the parent of wealth—the parent of every virtue.

Free British institutions were granted to all the other English colonies in their infancy. Nearly three ~~years~~ were allowed to

elapse before they were ceded to Newfoundland,—the oldest English colony,—the first fruits of the naval enterprise of England. Earl Ripon, in his noble despatch to Sir Thomas Cochrane, in the year 1832, conveying the King's charter, said,—“It was superfluous to accumulate reasons in proof of the propriety of establishing in Newfoundland that form of Constitution which generally prevails throughout the British transatlantic colonies; the difficulty would consist rather in finding valid arguments for withholding it.” To gratify a heartless, withering monopoly, the people of Newfoundland were so long deprived of their inherent rights of British subjects. This, my Lord, is the cause, and the only cause, why Newfoundland has lagged behind in the onward course of improvement and civilization; centuries rolled along, and she remained in a state of pristine barbarism, until the “atrocious acts” of her “unprincipled” House of Assembly for six short years have brought into life and animation more of her long neglect, her inexhaustible internal resources, than the centuries of despotism that preceded. I do not wish to hide the fact, that, at this moment, society in Newfoundland is in any state but that of unruffled calm: it is greatly agitated: there is a war of conflicting opinions. No reflecting mind can be surprised at it; the sudden transition from almost absolute despotism to freedom will account for it. After all, it is not more so, than in more favoured colonies in her immediate neighbourhood. The people of Newfoundland join in the universal resistance to local oppression and irresponsible government. Agitation in Newfoundland, as in every other colony, will be interminable, if this master grievance is not redressed, no matter what may be said by interested parties, by vain, presumptuous charlatans. If, my Lord, you wish to make your rule over the colonies permanent, you must adopt the wise counsel of Lord Durham, and allow the colonies in all local concerns to govern themselves. It is, I believe, Mr. Burke that said, “if you wish to please any people, you must give them what they ask, not what you think best, for then such an act may be a wise regulation, but it is no concession.”

The attempt to direct the local affairs of the colonies by decrees from Downing-street, has signally failed. When the late able, benevolent, high minded Secretary could not succeed, I shall have no confidence in those who may succeed him, even though he possessed the wisdom of a Lycurgus, a great Lord Bacon, or Sir Francis Bond Head himself. At the moment of concluding this hasty letter, the unwelcome intelligence has arrived of the resignation of Her Majesty's Ministers. Your Lordship may be the successor of Lord Normanby, and, without intending the shadow of offence to your Lordship, I should most heartily regret it. Referring you to my memorial to Lord Normanby,

I am, my Lord,

Your obedient Servant,

PATRICK MORRIS.

Liverpool, May 8, 1839.

TO THE
MOST NOBLE THE MARQUIS OF NORMANBY,

Her Majesty's Principal Secretary of State for the Colonies.

MY LORD,

As one of the representatives of the district of St. John's in the Colonial Assemblies of Newfoundland, I hope I may be allowed the privilege of humbly addressing your Lordship, in reply to the charges recently made against the character of the people of Newfoundland, but more particularly against the acts and proceedings of the House of Assembly, and contained in a petition from the Chamber of Commerce of St. John's, and in memorials to her Majesty's Government, from the merchants of London, Liverpool, Bristol, and Poole, engaged in the trade.

I am ready to admit the respectability of the parties who make these charges; they compose a great majority of the merchants engaged in the trade and fisheries, and if their complaints are well founded, they are fully entitled to the most favourable consideration from her Majesty's Government.

The allegations against the people and the House of Assembly may, in substance, be classed under the following heads:—

Firstly,—That society in Newfoundland is in a disorganized state,—life and property insecure, owing to the violent acts and proceedings of the House of Assembly.

Secondly,—That the members have held treasonable correspondence with the leaders of the rebels in Upper and Lower Canada, and have endeavoured to propagate amongst the people principles of sedition and disaffection to her Majesty's Government.

Thirdly,—That the Catholic clergy are the chief advisers and promoters of these violent proceedings,—that they exercise unbounded influence over the House of Assembly and the electors, who are mere instruments in their hands.

Fourthly,—That the House of Assembly have squandered the public revenue,—involved the country in debt, and have greatly injured the interests of the country.

Fifthly,—That the proceedings of the electors and their representatives in the House of Assembly, since the establishment of a

local legislature, has proved the people of Newfoundland unfit for the enjoyment or exercise of the representative government granted to them by his late Majesty William the Fourth. Under these heads may be classed the various charges brought against the colonists by the Chamber of Commerce at St. John's, and the merchants engaged in the trade residing in London, Liverpool, Bristol, and Poole; and the objects of the prayer of their petitions and memorials are,—that her Majesty's Government would, in the first place, send out an adequate military force to protect the lives and property of the loyal and peaceable; and further, that the present Constitution should be abrogated, and that a mode of government, to consist of a Governor, assisted by a Council, to be named by the Crown, should be established in its place.

If the respectable merchants on this side of the water, and the Chamber of Commerce at St. John's, had, instead of these general and sweeping charges, only stated some of the particular facts where life and property have been endangered, they would be more likely to gain credence with her Majesty's Government. They have not done so; and I shall, as the humble advocate of the people of Newfoundland, at once meet them, and with a reply equally general, by saying, without fearing contradiction, and after an intimate acquaintance with the people for upwards of thirty years, that in no part of her Majesty's dominions are life and property more secure than in her ancient colony of Newfoundland. I shall not content myself with this general statement, but I shall demonstrate the peaceable and moral conduct of the people of Newfoundland by the strongest proofs, which will defy contradiction.

I have first to call your Lordship's attention to the dutiful and loyal address of the House of Assembly to her Majesty, which I had the honour of moving at the close of the last session of the Legislature. That address is only an echo of the universal feelings of the people. After expressing their devoted loyalty and attachment to her Majesty's person and Government, and claiming for their constituents a moral and religious character not inferior to that of the people of any other portion of her Majesty's dominions, it states, "That Newfoundland is nearly as large as England; the inhabitants are settled in various harbours along the coast, far distant from the capital and from each other; surrounded by the unimproved wilderness, there is not, except in St. John's, a fort, garrison, or soldier; and the civil force to preserve the peace in these distant settlements does not *exceed* one or two constables, and, in many harbours, not even one constable; yet, notwithstanding, a civil or criminal process issuing from her Majesty's Court at St. John's can be executed in the most distant and most populous districts in the island. As an example, we humbly beg to call your Majesty's attention to one case amongst others, which occurred during the heat and excitement of the contested elections of

1836. A number of persons were charged with a riot at the election that took place at Harbour Grace in Conception Bay. Warrants were issued for the apprehension of the parties accused. One constable proceeded from St. John's, arrested all the parties, brought them a distance of upwards of thirty miles to St. John's, where they were delivered over into the hands of justice."

The parties arrested by this single constable were two of the representatives of the district, and some of the principal inhabitants of the town of Carbonear, then, and now represented to be in a disturbed state. These parties were tried before special juries selected from the political party opposed to them. Most of them were acquitted, and those who were found guilty and sentenced to fine and imprisonment were liberated by the order of my Lord Glenelg, as soon as he heard the particulars of the charges exhibited against them.

These, my Lord, are notorious facts; I repeat them from the Address of the House of Assembly; I adduce them to *prove* the submission and obedience of the people to the laws and constituted authorities. I shall now give your Lordship recent proof of the general peaceful character of the inhabitants. In November last, Sessions of the Circuit Courts were held in St. John's, and the other judicial districts of the island; the newly appointed and much respected Chief Justice Bourne presided in the Central Circuit Court at St. John's, Judge Desbarnes in the Southern District, and Acting Judge Silley in the Northern Circuit. I think I can fairly refer to the state of the criminal calendar in these courts, as a fair test as to the general conduct of the people; to these they can refer as their best defence. Some two or three cases of assault and petty larceny came on for trial in the court of St. John's, and about an equal number in all the other districts of the island; the electoral district of Conception Bay, containing upwards of twenty-three thousand inhabitants, did not afford a single case for trial, and for the greater part of the year the gaol did not contain a single person charged with a criminal offence.

Immediately after the close of the Circuit Courts, a session of the Supreme Court was held at St. John's. In this court alone can capital offences be tried. Your Lordship must have been anxious to inquire how many of the turbulent, disorderly, and disloyal people of Newfoundland were held over for trial before this high court; how many for treason and rebellion—for illegal and treasonable meetings—for seditious writings or speeches—for felonious attacks on life, person, or property—for murder or manslaughter. The gross amount of capital offences brought under the consideration of the Supreme Court were three: one man, a servant of the Honourable Mr. Spearman, charged with setting fire to his master's stable; an old woman, charged with an attempt to set fire to her own house; and an unfortunate woman, charged with the murder of her bastard child. The two former, under the particular direction of the

Learned Chief Justice, were acquitted, and the latter was only found guilty of the minor offence, namely, the concealment of the birth of her child.

Being a magistrate, and a member of the grand jury, I pledge myself for the correctness of these statements in every particular.

Your Lordship must find great difficulty in reconciling these facts with the statements so often and confidently repeated. My Lord Aberdeen, in his place in Parliament, at the close of the last session, when presenting a petition from certain parties, stated (no doubt from information he had received) that Newfoundland was in as bad a state as Upper or Lower Canada.

Charges of a similar nature were made not only by the Tory but the Liberal press both in England and Ireland. The merchants of London, Liverpool, Bristol, and Poole have called on the Government to send out an adequate military force to overawe the rebellious colonists, and the Chamber of Commerce at St. John's repeat all the charges, and ask Her Majesty to inflict on the unoffending colonists the highest punishment within the range of Her Majesty's power, even when acting with the other branches of the Legislature, to subvert their Constitution and deprive them of their rights and privileges as British subjects.

The Chamber of Commerce in these petitions to the Queen attribute the illegal conduct of the people to the "atrocious" and "unprincipled" acts of the House of Assembly. If the charge against the people falls to the ground for want of proof, the charges against the House of Assembly must meet the same fate, setting aside the vague and general allegations against the House, which I shall endeavour to reply to by and by. The only clear and tangible charge brought against the Assembly arises out of the committals for breach of privileges of Mr. Kiely, Acting Judge Lilly, and the Sheriff. It must be admitted that the House of Assembly, in these cases, exercised power which should not be used except in cases of extreme necessity; it has created a prejudice against the House of Assembly in this country difficult to remove. The opponents of free representative governments, in Newfoundland and elsewhere, have seized on it with avidity, and made the most of it. It is to be lamented that the House of Assembly should have found it necessary, in defence of their privileges, to act as they did; whether they acted wisely or judiciously, or otherwise, is not the question; it is whether they were legally authorized to commit these persons for what they considered a high breach of their privileges.

Your Lordship will admit, that after taking the first step, it was difficult for them to recede; their privileges were questioned, not only in these cases, but in a variety of others; every species of contumely and insult were heaped upon them. It appeared to be the opinion of the House that the time *had* come when it was necessary to assert their privileges in the committal of the parties before

mentioned. It is to be regretted that they should have come in contact with the judicial and executive officers of the Government; but even here the Assembly were not the aggressors. With scarcely the form of inquiry, the Acting Judge, on the writ of *Habeas Corpus*, summarily decided a question of great importance, involving the very existence of the House of Assembly as a co-ordinate and supreme branch of the legislature. The parties aggrieved in these cases appealed to the laws for redress; the House of Assembly submitted and pleaded to the charge. What more could be expected from them? Could they give a better example of their submission and obedience to the laws?

I now come to the serious charge made by the Chamber of Commerce of St. John's against the members of the House of Assembly, of holding treasonable correspondence with the Canadian rebels. They say this correspondence was disseminated in the country through the medium of the press. Have they produced the correspondence to your Lordship? I defy them to do so. No such correspondence ever took place. It is the mere phantom of their heated imagination, and this charge is a fair specimen of the other charges made by the Chamber of Commerce against the people of Newfoundland. A plain statement of facts will be quite sufficient to dispose of this charge. Some three or four years ago, long before any symptoms of revolution or insurrection broke out in the Canadas, circular letters were addressed to some of the leading men in the Lower Provinces in the reform interest, by persons connected with the opposition party in Upper and Lower Canada. Some of these letters were addressed to Doctor Carson, the Speaker of the present House of Assembly; he immediately submitted the letters to his friends, and consulted them on the course which he should adopt, when it was decided that it would be imprudent to mix up Newfoundland with the Canadian dispute. The grievances complained of in Newfoundland were altogether of a local character; we had no complaint to make against the parent Government, who had always complied with our just demands. It would be inconsistent, ungenerous, and ungrateful for the reform party in Newfoundland to join in any outcry with persons who made such loud complaints against the Home Government, and many of whose objects were not only violent, but impracticable. As near as I can recollect facts, which have for years been altogether removed from my mind, this is the history of the frightful correspondence with the Canadian rebels, brought to light by the Chamber of Commerce of St. John's, and which, if not discovered by them, might, like the Gunpowder Plot, have blown up British power and Protestant ascendancy together. I think I may state, that Dr. Carson never wrote one line in reply to these communications.

As respects the propagation of principles of disloyalty and disaffection to the Government and person of her most gracious Majesty, which the Chamber of Commerce so loudly charges

against the members of the House of Assembly in their addresses, I shall only say that I defy them to bring the slightest proof of their allegations. I confidently state, and I challenge them to prove to the contrary, that no member of the present Assembly, in the House or out of the House, was ever guilty of writing or uttering sentiments of disloyalty to the Government, but quite the reverse; they have been loud in their expressions of loyalty, and have invariably inculcated the same principles amongst their constituents. For the deliberate and unanimous opinion of the House of Assembly, I must again refer you to their last address to her Majesty. In that address, they state that the crime of disaffection to the Government was unknown in Newfoundland,—that the charge of treason or sedition was not, within the recollection of the oldest inhabitant, made against any British subject in Newfoundland. This is the statement of the House of Assembly to her Majesty. I repeat the same, and confidently appeal to the records of her Majesty's courts of justice in confirmation. If the Chamber of Commerce of St. John's have stated any thing like truth in respect to the conduct of parties in Newfoundland, what have the Executive Government been about? Have they allowed the apostles of rebellion to stalk about the land, corrupting the loyal principles of the people, unheeded and unpunished? In justice to the gallant individual who represents her Majesty in that country, as well as the Attorney-General, I must defend them from the charge. If they remained silent spectators of the acts charged against the leading members of the House of Assembly, they are more guilty than the offending parties.

The humble individual who has now the honour of addressing your Lordship may possibly claim the unenviable honour of being ranked amongst the leading members of the House of Assembly. From his youth he has taken a prominent part in the public affairs of the colony. I have been an active, if not a useful, agent in bringing about the various changes in the Government of Newfoundland,—it has been the chief object of my life to obtain free institutions for Newfoundland, based on the principles of the unequalled Constitution of England. Possibly I have written and spoken more on the subject of Newfoundland than any other man. I may have been mistaken,—I may have been misled; but my sole object was to cement the connexion between Newfoundland and the parent country by the strong bonds of mutual interest and kindred affection. I was profoundly impressed with the conviction, that any measures calculated to promote the best interests of the one must be beneficial to the other.

I crave pardon from your Lordship for this personal reference; but as I must come in for a share of the general charge, I think it only justice to my own character to make this defence. I now shall dismiss that part of the charge against the House of Assembly, and call your Lordship's particular attention to the next charge—

the "unbounded influence of the Catholic clergy." The Catholic population and the members of the House of Assembly, according to the statement of the Chamber of Commerce, are mere tools and instruments in their hands,—so many *automata*, ready at their bidding to commence the work of destruction. This appears the master grievance, that the Catholic priests and Catholic electors, "of late years emigrants from the south of Ireland," monopolize the whole of the representation. In reply to this statement, I have only to refer your Lordship to the late census, by which it will appear that the great majority of the electors are Protestants, not Catholics.

The electoral district of

Conception Bay, majority Protestants, return 4 members.

Trinity Bay, great majority Ditto..... 1 ditto.

Bonavista..... dittoDitto..... 1 ditto.

Fogo, dittoDitto..... 1 ditto.

Burin, dittoDitto..... 1 ditto.

Fortune Bay ... dittoDitto..... 1 ditto.

By this statement it will appear that the portions of the island where the Protestants are the great majority, return nine members.

The district of

St. John's, majority Roman Catholics, return 3 members.

Faryland, ditto.....Ditto 1 ditto.

St. Mary's and Placentia, Ditto 2 ditto.

The Protestant majority return nine members; the Catholic minority only six members. Admitting that the Catholic priests have great influence over the Catholics, it will not be *said* that they possess equal influence over the Protestants. Can Newfoundland be an exception to a rule that holds good in every other country where the majority rules the minority? In the face of these facts, the Chamber of Commerce boldly assert that the present House of Assembly are the mere nominees of the Catholic priests. I do state, without fear of contradiction, that the Roman Catholic priests did not nominate one single member of the House of Assembly. Some of the priests joined their Protestant and Catholic brethren at the late elections; it was this union that carried the elections, and made opposition to the Liberal interest altogether powerless. I do not deny that the influence of the Catholic clergy in Newfoundland is considerable; but there is no greater error than to suppose they can lead the people as they please in political matters. The Chamber of Commerce of St. John's may be forgiven for falling into this error; much higher persons in the state, and with vastly more experience, have deluded themselves with the same error. As a Roman Catholic, I boldly assert, that it is not the people who follow the priests, but the priests who follow the people in political matters. If the Roman Catholic priests of Newfoundland joined with the Chamber of Commerce of St. John's in their petitions to Her Majesty for the establishment of despotic

government, they would not induce one hundred Roman Catholics to follow their example.

If the House of Assembly of Newfoundland are the mere puppets of the Roman Catholic priests, it is extraordinary that the Chamber of Commerce did not adduce some proof of their interference, of acts passed or prepared for Catholic purposes. The Catholic members of the House of Assembly would not entertain any measure that had not for its object the good of *all* classes without distinction. The House of Assembly must be judged by their own acts, not by the inflammatory unfounded charges of the Chamber of Commerce of St. John's. The Chamber of Commerce say, in their petition to the Queen, "To prove the inability of the Roman Catholics here to exercise political power independently, we need only state the fact which the experience of more than one occasion warrants us in asserting, that if it were thought practicable to shake the credit of this or any other petition, by a contradiction of any facts contained in it, the priests could obtain in the course of a few hours some thousands of signatures, to be used as occasion might require; attach them afterwards to such document as they might propose, support these statements on oath, and send them forward as the deliberate opinion of its subscribers."

It is not my intention to defend the Catholic priests or people of Newfoundland from this wholesale charge of fraud, deceit, and perjury. The gross character of the charge carries with it its best refutation. It is to be lamented that the persons comprising the Chamber of Commerce of St. John's should be so blinded by their prejudice as to make this calumnious charge against the Catholics of Newfoundland. The Chamber of Commerce laud the acts of the first House of Assembly. "Several competent gentlemen" sat in the first House of Assembly. During the existence of that House (states the Chamber of Commerce in their address to the Queen) "the colony was kept free from debt, the public service was better performed than it has been since." Now, the colony is considerably in debt. "In every session acts are passed adding to that debt." These palpable misstatements can easily be detected by a reference to the public acts of both Houses.

The first House of Assembly ran the country considerably into debt,—they had to pass an act for the issue of Treasury notes for the liquidation of the debt, which has since been paid off,—they passed an act authorizing commissioners to raise the sum of fifteen thousand pounds on loans to build a Colonial House,—they raised money on loans for the useful purpose of erecting lighthouses. To enable them to meet the increased expenditure, they, in direct opposition to the petitions of the merchants, and every other class of the community, placed taxes on most articles of import, provisions, live stock, potatoes, turnips, and every other description of vegetables. Every tax now levied under Colonial acts were laid on by the first House of Assembly. The present House of As-

sembly have not added one shilling to the taxation ; but they have *repealed* the tax on live stock, potatoes, and vegetables, and would have removed the other taxes on bread and other provisions could they have done so with due regard to the engagements bequeathed them by their predecessors.

At the close of the year, a large amount of the appropriations of 1837 and 1838, for roads and for other purposes, remained unexpended in the public chest, and I think I can state that it is the fixed determination of the present House of Assembly not to add to if they cannot reduce, the present rate of imposts. The present House voted in two years thirty-one thousand pounds for the making of roads throughout the island—more than any sum expended for the permanent improvement of Newfoundland since the time of Henry VII.

The present House voted sums for a geological survey of the island, and for the encouragement of steam navigation, and displayed a readiness on all occasions to promote any measure intended for the benefit of the trade and fisheries, as many of their acts will most clearly demonstrate.

If a parallel is to be drawn between the present and the former House of Assembly, it must be by comparing their respective legislative acts. The first House of Assembly flooded the country with new laws,—many of them have since been found unsuitable to the country, and have fallen into disuse ; most of the others are the principal cause of the local complaints, and must continue a fruitful source of agitation until they are repealed. The principal merit of the present House is, that they passed fewer laws, and these have not been complained of by any party.

I would wish to draw your Lordship's attention to the great and most important subjects the respective Houses legislated upon,—the criminal law,—and the expenditure of public money for making and repairing roads.

The first House of Assembly passed what they called “The Banishment of Offenders Act.” This law is in direct violation of the English criminal law. It gives discretionary power to the judges to banish for minor offences, which under the English law can only be punished by fine or imprisonment ; and gave them power to order minor offenders to work manacled on the high roads and streets ; and they can make such regulations for the discipline of prisoners, before and after conviction, as they think proper.

The present House of Assembly, by a simple act, adopt the British criminal law with all its progressive improvements, and leave the Newfoundland judges to be governed alone by precedents in the Courts at Westminster.

The first House passed acts for the repairing and making of roads, without placing the slightest control over the expenditure ; the consequence of which was, the money voted by them was

squandered in the most profligate manner, with the exception of St. John's, where it was expended under the direction of the able Surveyor-General, Mr. Noad, who acted as Chairman of the Board of Commissioners at St. John's.

The present House of Assembly took every precaution against jobbing and speculation. The Governor was authorized to appoint a Board of Control at St. John's, to superintend the expenditure for public works through the island; and until they were fully satisfied that the work was done agreeably with the lowest tender, the Governor was not authorized to issue his warrant for the payment. I have no hesitation in saying, that no colony in British North America can produce an act where the expenditure of the public money for the making and repairing of roads is guarded with so much care.

I now come to the fifth, and which I shall make the last charge brought against the House of Assembly and people of Newfoundland;—it is, “that they have proved themselves unfit for the exercise of the privileges granted to them by his late Majesty.” The Chamber of Commerce of St. John's say “that the ignorant, besotted Catholics, from the south-west of Ireland, are so bound by the magic spell of Popery, that they are quite incapable of properly exercising political power.” If, for the sake of argument, I admit the truth of all that has been said of the degraded state of the Catholics, surely that is no reason why the enlightened Protestant majority from England and Scotland, and the native inhabitants of the country, should be deprived of their constitutional rights. The Catholics from the south-west of Ireland do not constitute a tenth of the population. To make their conduct a pretence for taking away the Constitution of Newfoundland, is so monstrous a doctrine that it merits no reply. The charge, after all, is not so much against the Catholics as it is against the people of Newfoundland; and I cannot avoid expressing my astonishment, that any body of British merchants could deliberately state, in a memorial to the Queen of England, that Englishmen, Irishmen, Scotchmen, or their immediate descendants, residing in the oldest colony belonging to her Majesty, under no possible circumstances, could be fit or worthy to enjoy the blessings of the British Constitution.

The Chamber of Commerce honestly state in their memorial to her Majesty, that public opinion is against them, and must continue so under every change of circumstances. “They solemnly assure her Majesty of their fixed conviction, a conviction equally entertained by nineteen-twentieths of all in the colony capable of judging, that no conduct of the Members of the Assembly, however unprincipled and atrocious, would render their return again a matter of the least doubt.” Nothing could more clearly prove their weakness and utter incapacity to govern the country than this candid acknowledgment on their part.

Observe, my Lord, the dilemma they have placed themselves in. It is as much as if they said that their views of government are so much opposed to the English and Protestant majority of electors of Newfoundland, that they have given up all hope of obtaining their suffrages to represent their interests in the third branch of the Legislature.

My Lord, the Chamber of Commerce stated that the people of Newfoundland are unfit for self-government, and have petitioned her Majesty to establish a despotic government. I have to inform your Lordship, that, however ignorant the people of Newfoundland are, and particularly the "Roman Catholics from the south-west of Ireland," they will never exhibit their ignorance of government to such an extent as to join in the prayer for the establishment of despotic power;—they may submit to such a government, they never will consent to it. Here I would ask your Lordship, is there no portion of her Majesty's dominions, no matter how remote, where an Irish Roman Catholic can sit down under the shade of England's laws and constitution, without an offshoot from a certain party in England outraging their feelings as Irishmen and Christians?

The Chamber of Commerce of St. John's, and the merchants in England, have not established a single charge against either the people or their representatives. There is, therefore, no just cause why they should be deprived of their constitution. The mode of government proposed by them to supersede the present is abhorrent to the British Constitution; and until the people of Newfoundland are proved guilty, no power can justly deprive them of their present free Constitution. A Governor and Council with legislative powers is the most objectionable government that could be inflicted on a free British colony. When such a government was established in Canada, immediately after the Conquest, it was denounced by the great Lord Camden as "a civil despotism, in which the inhabitants of that immensely extended province were to be perpetually deprived of all share in the legislative power and support, in life, freedom, or property, to the arbitrary ordinances of a Governor in Council, appointed by the dependents on the Crown."

Your Lordship is not the Minister that will advise such a government for the most ancient and loyal colony belonging to Her Majesty.

I have the honour to be,

My Lord,

Your Lordship's humble and obedient Servant,

PATRICK MORRIS.

*London, 22, Crown-street,
March 20, 1839.*

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